

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

CHINO VALLEY UNIFIED SCHOOL
DISTRICT.

OAH CASE NO. 2013080619

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION, PREHEARING
CONFERENCE AND DUE PROCESS
HEARING

On August 19, 2013, Parent on behalf of Student (Student) filed a due process hearing request. OAH issued a scheduling order setting the mediation on August 19, 2013, the prehearing conference (PHC) on September 27, 2013, and the due process hearing on October 9, 2013. On September 24, 2013, the parties filed a joint request to continue the dates in this matter.. The parties requested the following dates: Mediation, October 17, 2013; PHC, to be determined by OAH, and; due process hearing, January 6, 7, 8, 9, 13,14,15 and 16, 2014.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. All dates are vacated. The continuance is effective the date of this Order. This matter will be set as follows:

Mediation: October 17, 2013, 9:30 a.m.

Prehearing Conference: December 20, 2014, 1 p.m.

Due Process Hearing: January 6, 2014, 1:30 p.m., January 7, 8 and 9, 2014, 9:30 a.m., January 13, 2014, 1:30 p.m., January 14, 15, and 16, 2014, 9:30 a.m., and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge (ALJ). [The parties are advised that the length of the hearing is subject to the discretion of the ALJ who may determine that all the stipulated hearing dates are not required.]

IT IS SO ORDERED.

Dated: September 24, 2013

/s/

EILEEN M. COHN
Administrative Law Judge
Office of Administrative Hearings